



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF THE DIRECTOR
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June 10, 2004

Beth Tribble, County Administrator
Baxter County Department of Human Services,
P.O. Box 1550
Mtn. Home, AR 72654

Re: Advisory Opinion # 483-04-11

Dear Ms. Tribble:

This letter is in response to your June 1, 2004 request for an advisory opinion in accordance with §19-11-715(b) of the Arkansas Code Annotated of 1987. Your request for an advisory opinion is based on the following facts:

- a) You are the County Administrator of Baxter County DHS.
- b) You are seeking an advisory opinion regarding the possibility of your husband and daughter performing janitorial services at the Marion County DHS offices

Based on the aforementioned facts and the prohibitions contained within ACA §19-11-709 this office finds an indirect conflict. Accordingly, that conflict may be avoided by insuring that the Marion County DHS Office adheres to the following course of conduct:

Your husband and daughter may provide janitorial services to any county offices other than Baxter County as long as the procurement is accomplished by use of competitive bid, or competitive sealed bid, or proposal procedures, conducted by the state agency central purchasing office or the Office of State Procurement.

Although it has been determined that a conflict of interest does not exist, the requirement for the employee to disclose any benefit from a state contract continues. This requirement is found at Arkansas Code Annotated §19-11-706.

The disclosure required shall be made to the Director of Finance and Administration within 30 days after the employee has actual or constructive notice of a benefit received or to be received. Such disclosure shall be made in written report which sets forth:

- a) the name of the state employee and the name of the business involved;
- b) the name of the governmental body with which the business has a contract;
- c) the dollar amount and nature of the contract; and
- d) the nature and extent of the benefit received or to be received.

This advisory opinion is issued in accordance with Arkansas Code Annotated §19-11-715(b), and compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Act.

Sincerely,

Richard A. Weiss
Director

cc: Gary Phillips, Marion County DHS Administrator
Charlene Young-Houser, DHS Purchasing
Tom Gay, Office of Atty. Gen.